

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:03CR105**

UNITED STATES OF AMERICA)	
)	
Vs.)	ORDER
)	
EDWARD J. CALLAHAN.)	
)	

THIS CAUSE coming on to be heard and being heard before the undersigned, pursuant to a motion made by the defendant on January 29, 2007 requesting that the defendant be considered as being eligible for court appointed counsel. The defendant requested that the court consider appointing counsel to represent the defendant based upon his indigency. The court allowed the defendant to file a financial affidavit so that the undersigned could consider his net financial resources and income. The undersigned examined, in detail, the financial affidavit and questioned the defendant about his financial resources. It appeared that the defendant had not been employed since the fall of 2006 and that the defendant's income during the year 2006 was the total sum of \$3,600.00. It does appear, however, that the defendant owns a 1999 Harley Davidson motorcycle which the defendant appraised at a fair market value of \$9,000.00. Upon questioning by the undersigned, the defendant advised the court that he owned the motorcycle in fee simple and that there were no liens due and owing upon the motorcycle. The defendant further advised the court that he was attempting to sell the motorcycle but had been unable to do so. After considering the affidavit and the information provided to the court by the defendant based

upon the court's questioning, the undersigned has determined that the defendant is partially eligible for the appointment of counsel as set forth under the Guide Judicial Policies and Procedures, Volume VII, Part A 2.05. It appears from the affidavit filed by the defendant that the defendant's net financial resources and income anticipated prior to trial are in excess of the amount needed to provide him and his dependents with the necessities of life and to provide the defendant's release on bond but are insufficient to pay fully for retained counsel.

ORDER

IT IS THEREFORE **ORDERED** that the defendant is to pay from his available excess funds and assets, including the 1999 Harley Davidson motorcycle, the cost of his court appointed counsel in such amounts and at such time as the District Court shall determine.

Signed: February 5, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

